

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 28, 2005. Independent Claim 20 is the only claim pending in the application. Reconsideration and further examination are respectfully requested.

The drawings were objected to. First, the Office Action contends that Figure 5 does not show a second planarization layer formed on the first planarization layer. Applicants respectfully disagree. In particular, light transmitting member 106 shown in Fig. 5 can be seen to correspond to the second planarization member, and as described in paragraph 55, "any planarized member may be used" as light transmitting member 106, including a polyimide film or a fiber optic plate. Thus, those skilled in the art would recognize the disclosure of the second planarization member shown in Fig. 5. Accordingly, the objections are traversed and the Examiner is requested to reconsider and withdraw the objections.

The Office Action also contends that Figure 5 does not show an adhesive layer between a substrate and a scintillator. While Applicants disagree with this assertions, Claim 20 has nonetheless been amended to delete "via an adhesive layer". Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Claim 20 was rejected under 35 U.S.C. § 112, first paragraph. Referring specifically to paragraph [0056] of the specification, the Office Action concedes that Applicants disclose forming a first planarization layer, which covers an external terminal. However, the Office Action asserts that forming a second planarization layer on the first planarization layer is not disclosed. For the same reasons as described above regarding the

drawing objections, the § 112 rejections are traversed. In particular, paragraph [0056] of the specification discloses, for example, that “the adhesive 105 is planarized by using the light transmitting substrate 106 to form a planarized layer.” In addition, as discussed above, light transmitting layer 106 may be any planarized layer. Therefore, Applicants submit that forming a second planarization layer on the first planarization layer is clearly disclosed at least in the embodiment according to paragraph [0056]. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 20 was rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,800,857 (Kajiware). The rejection is again respectfully traversed. Initially, as noted in Applicant’s previous reply, Kajiware is not prior art to the present invention due to Applicants’ foreign priority date. While Applicants have filed a sworn translation of priority document Japanese Application No. 2001-132349 (hereinafter “Japan ‘349”), filed on April 27, 2001, the Office Action contends that Japan ‘349 does not disclose the subject matter of Claim 20. As such, the Office Action asserts that Applicants are not entitled to their priority date. Applicants disagree and direct the Examiner’s attention to paragraphs [0025] to [0047] of Japan ‘349, which Applicants submit discloses the subject matter in question for Claim 20. Accordingly, Applicants believe that they are entitled to their priority date for the subject matter of Claim 20, and as such, Kajiware is to be removed as a reference.

Claim 20 was also rejected under the judicially created doctrine of obvious-type double patenting over Claims 1, 10, 14, and 18 of U.S. Patent 6,671,347 (Tashiro). The rejection is respectfully traversed.

Initially, it is Applicants position that the Office Action has failed to establish a *prima facie* case of obviousness of Claim 20. As the MPEP explains: "Any obviousness-type double patenting rejection should make clear: (A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent." MPEP § 804(I)(B)(1) (emphasis added).

In entering the rejection, the Office Action asserts that the apparatus of Tashiro's Claim 10 includes a second planarization layer formed on the external terminal and the first planarization layer. However, the Office Action concedes that Tashiro's Claim 10 does not include a first planarization layer *that covers the external terminal*, but nonetheless asserts that Tashiro's Claim 1 includes this feature. Thus, the Office Action merely alleges that some features of Claim 20 can be found in Claim 10 of Tashiro and that other features of Claim 20 can found in Claim 1 of Tashiro, but fails to provide any rationale for combining the alleged separate features to arrive a the presently claimed invention. Therefore, without more, Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness.

Nonetheless, Applicants submit that Claim 20 of the present application is non-obviously different from Claims 1 and 10 of Tashiro. Specifically, both Claims 1 and 10 of Tashiro disclose that the external terminal if formed at the same height the light receiving surface, but fail to disclose or to suggest that the first planaraization layer covers

the external terminal. Accordingly, Claim 20 is non-obviously different from the claims of Tashiro. Accordingly, reconsideration and withdrawal of the double patenting rejection are respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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